

Translation

PATENT COOPERATION TREATY
PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
 (Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference PF030127	FOR FURTHER ACTION	
See Form PCT/IPEA/416		
International application No. PCT/FR2004/050374	International filing date (<i>day/month/year</i>) 05.08.2004	Priority date (<i>day/month/year</i>) 07.08.2003
International Patent Classification (IPC) or national classification and IPC G11B19/02, G11B27/10, G11B27/34		
Applicant THOMSON LICENSING		

<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>6</u> sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input type="checkbox"/> (<i>sent to the applicant and to the International Bureau</i>) a total of _____ sheets, as follows:</p> <p><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (<i>sent to the International Bureau only</i>) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>																									
<p>4. This report contains indications relating to the following items:</p> <table style="margin-left: 20px; border-collapse: collapse;"> <tr> <td><input checked="" type="checkbox"/></td> <td>Box No. I</td> <td>Basis of the report</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. II</td> <td>Priority</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. III</td> <td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. IV</td> <td>Lack of unity of invention</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>Box No. V</td> <td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VI</td> <td>Certain documents cited</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VII</td> <td>Certain defects in the international application</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>Box No. VIII</td> <td>Certain observations on the international application</td> </tr> </table>		<input checked="" type="checkbox"/>	Box No. I	Basis of the report	<input type="checkbox"/>	Box No. II	Priority	<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	<input type="checkbox"/>	Box No. IV	Lack of unity of invention	<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	<input type="checkbox"/>	Box No. VI	Certain documents cited	<input type="checkbox"/>	Box No. VII	Certain defects in the international application	<input checked="" type="checkbox"/>	Box No. VIII	Certain observations on the international application
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Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

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Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

This report is based on translations from the original language into the following language _____, which is the language of a translation furnished for the purposes of:

- international search (Rule 12.3 and 23.1(b))
- publication of the international application (Rule 12.4)
- international preliminary examination (Rule 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

the international application as originally filed/furnished
 the description:

pages 1-16 as originally filed/furnished
 pages* _____ received by this Authority on _____
 pages* _____ received by this Authority on _____

the claims:

nos. 1-22 as originally filed/furnished
 nos.* _____ as amended (together with any statement) under Article 19
 nos.* _____ received by this Authority on _____
 nos.* _____ received by this Authority on _____

the drawings:

sheets 1/7-7/7 as originally filed/furnished
 sheets* _____ received by this Authority on _____
 sheets* _____ received by this Authority on _____

a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.

3. The amendments have resulted in the cancellation of:

the description, pages _____
 the claims, nos. _____
 the drawings, sheets/figs _____
 the sequence listing (*specify*): _____
 any table(s) related to sequence listing (*specify*): _____

4. This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

the description, pages _____
 the claims, nos. _____
 the drawings, sheets/figs _____
 the sequence listing (*specify*): _____
 any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

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Box No. V **Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Claims <u>1-12</u>	YES
	Claims <u>13-22</u>	NO
Inventive step (IS)	Claims _____	YES
	Claims <u>1-22</u>	NO
Industrial applicability (IA)	Claims <u>1-22</u>	YES
	Claims _____	NO

2. Citations and explanations (Rule 70.7)

1. In the present report, reference is made to the following documents:

D1: PATENT ABSTRACTS OF JAPAN vol. 1995, no. 05, 30 June 1995 (1995-06-30) -&; JP 07 044575 A (ATSUSHI MATSUSHITA; others: 01), 14 February 1995 (1995-02-14)

D2: EP 1 227 392 A (HEWLETT-PACKARD COMPANY) 31 July 2002 (2002-07-31)

2. INDEPENDENT CLAIM 1

- 2.1 The present application fails to meet the requirements of PCT Article 33(1), since the subject matter of claim 1 does not involve an inventive step as defined by PCT Article 33(3).

2.1.1 D1, which is considered to be the prior art closest to the subject matter of claim 1, describes: a system and method for storing and reproducing audio data files with access via a graphic interface. The audio files are represented by symbols in a graphic space ("virtual sound field") and selected by actuating a mouse.

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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
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2.1.2 Consequently, the subject matter of claim 1 differs from the teaching of D1 in that:

the user is in an audio space between audio indicators that represent the audio files (or groups of files of the same kind, for example). The user may select one of the files (or groups) with a remote control keyboard.

2.1.3 The problem that the present invention is intended to solve can be considered to be that of:

creating a real audio space for use as an interface with a database consisting of audio files.

2.1.4 The solution proposed in claim 1 of the present application is not considered inventive (PCT Article 33(3)) for the following reasons.

- An interface for the computer user that consists of audio indicators ("audio labels") distributed in a three-dimensional space is described. The user is in an audio space between these indicators and may select, for example, a program or service by indicating one of the indicators, by means of a remote control keyboard.

This idea can also be applied to an interface with a database consisting of audio files or any other sort of files.

2.1.5 Consequently, a person skilled in the art seeking to solve the stated problem would combine the features described in D1 and D2 without exercising inventive skill. The solution proposed in independent claim 1

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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
	cannot therefore be considered to involve an inventive step (PCT Article 33(3)).

3. INDEPENDENT CLAIM 13

3.1 The present application fails to meet the requirements of PCT Article 33(1), since the subject matter of claim 13 does not comply with the criterion of novelty as defined by PCT Article 33(2).

D1 describes:

a device for storing and reproducing audio data files with access via a graphic interface. The audio files are represented by symbols in a graphic space ("virtual sound field") and selected by actuating a mouse.

4. DEPENDENT CLAIMS 2 to 12 and 14 to 22

Said claims contain no feature which, when combined with the features of any one of the claims to which they refer, defines subject matter that complies with the PCT requirements of novelty and inventive step (PCT Article 33(2) and (3)).

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Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

The application fails to meet the requirements of PCT Article 6, since claim 13 is unclear.

In device claim 13, certain features serve more to explain the mode of use of the device than to define clearly the device in terms of technical features. The limitations that said features are intended to define do not therefore appear clearly from said claim, contrary to the requirements of PCT Article 6.

Claim 13 fails to meet the requirements of PCT Article 6 in so far as the subject matter for which protection is sought has not been clearly defined. The claim attempts to define said subject matter by the result to be achieved, yet this merely amounts to stating the basic problem the invention is intended to solve, without providing the technical features necessary for achieving this result.

The expressions "means for calculating/determining/selecting/reproducing" used in claim 13 are vague and ambiguous, and cast doubt on the meaning of the technical feature to which they refer. The subject matter of said claim is therefore not clearly defined (PCT Article 6).